

REMARKS

Thirty-two claims remain pending in the application: claims 1-32.

Examiner's Request for Information Under 37 CFR §1.105.

The Examiner has required the submission of information pertaining to any use of the claimed invention known to the inventors at the time the application was filed and the submission of any information pertaining to the claimed invention being offered for sale or actually sold prior to March 16, 2000. The Examiner has indicated that a positive statement that the invention was not offered for sale or actually sold prior to March 16, 2000 would suffice.

In addition, the Examiner posed three specific questions:

- 1) When was the start up date for the production database of Exhibit B?
- 2) When was the production database sold?
- 3) When was the production database offered for sale?

In response, Applicants provide an Inventor Declaration, which is attached hereto, which responds to the Examiner's request for information. Among other statements, the Inventor Declaration, signed by all inventors, states: "[t]he invention was neither offered for sale prior to March 16, 2000 nor actually sold prior to March 16, 2000."

In addition, the Declaration states that the start-up date for the production database of Exhibit B was May 22, 2000; that an offer for a license relating to the production database occurred sometime after March 22, 2000; and the first license related to the production database of Exhibit B was granted June 15, 2001.

Applicants submit that this Inventor Declaration, in connection with the Inventor Declaration previously submitted January 21, 2005, satisfies the Examiner's request for information and demonstrates that the claimed invention was neither offered for sale nor publicly used before March 16, 2000.

Rejections under 35 U.S.C. §102(b)

Claims 1-32 stand rejected under 35 U.S.C. 102(b) on the basis that the claims are anticipated by Applicants own disclosure. Applicants respectfully traverse this rejection.

As indicated in the Inventor Declaration submitted with this Response, Applicants neither offered the claimed invention for sale prior to March 16, 2000 nor actually sold the claimed invention prior to March 16, 2000. Moreover, Applicants did not publicly use or disclose the claimed invention prior to March 16, 2000. As a consequence, claims 1-38 can not properly be rejected under 35 U.S.C. 102(b); thus applicants respectfully request that this rejection be removed and respectfully solicit a Notice of Allowability.

CONCLUSION

In view of the foregoing, Applicants respectfully solicit favorable consideration of the pending claims, and the Examiner is requested to call the undersigned if any question or comments arise.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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Respectfully submitted,

COOLEY GODWARD LLP

By:

A handwritten signature in black ink, appearing to read "Sean R. O'Dowd", is written over a horizontal line.

Sean R. O'Dowd

Reg. No. 53,403